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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,880	11/03/2006	Herbert Wehler	10016.510	2658
39231	7590	01/06/2011		
SMITH LAW OFFICE 8000 EXCELSIOR DRIVE, SUITE 301 MADISON, WI 53717				
EXAMINER				
STRIMBU, GREGORY J				
ART UNIT		PAPER NUMBER		
3634				
MAIL DATE		DELIVERY MODE		
01/06/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/571,880

**Applicant(s)**

WEHLER, HERBERT

**Examiner**

Gregory J. Strimbu

**Art Unit**

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 14-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-940)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date 11/22/10 + 12/20/10
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the carrier connected to the sliding door as recited in claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 22 is rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi et al. (US 2004/0003543). Kobayashi et al. discloses an energy guide chain system for a vehicle, the vehicle having a chassis B and a sliding door SD that can be moved between a closed position and an open position on the chassis, and the energy guide chain system comprises:

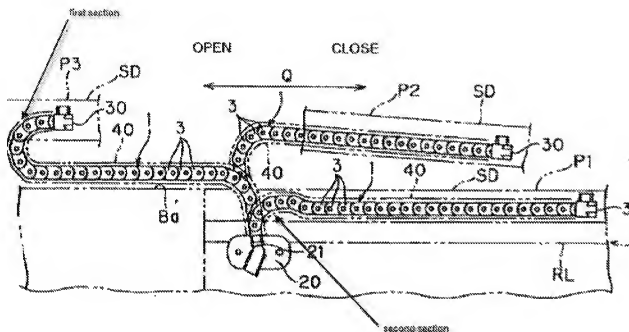
a carrier 30 connected to the sliding door; and

an energy guide chain 1 having:

a first end connected to the carrier 30 and a second end connected to the chassis at 21; and

a region (not numbered, but shown in figure 3) between the first end and the second end, and the region has a first section (labeled below) that defines a first radius of curvature when the sliding door is in the open position, and a second section (labeled below) that defines a second radius of curvature when the sliding door is in the closed position.

FIG. 3



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 14, 15 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murofushi et al. (US 6492592) in view of Suzuki (US 6787702). Murofushi et al. discloses a sliding door system for a vehicle, wherein the vehicle has a chassis 8 and a sliding door 1 that is movable between a closed position and an open position on the chassis, and the sliding door system comprises:

a carrier 4 connected to the sliding door;

an energy guide 39 having a first end (not numbered, but shown in figure 2) directly connected to the carrier and

a second end 10 connected to the chassis; and

the energy guide includes a region 38 disposed between the first end and the second end, and the region adjusts and bends in a single direction as shown in figures 7-8 to define a first radius of curvature when the sliding door is in the closed position as shown in figure 7 and a second radius of curvature when the sliding door is in the open position as shown in figure 8, and the first radius of curvature is smaller than the second radius of curvature (**claim 1**);

the carrier 4 is joined to a central portion of the sliding door 1 as shown in figure 1 (**claim 14**);

the first end of the energy guide 39 and the second end 10 of the energy guide are spaced apart a first distance when the sliding door is in the open position as shown in figure 8 and are spaced apart a second distance when the sliding door is in the closed position as shown in figure 7, and the first distance is smaller than the second distance (**claim 15**);

wherein the energy guide 39 further comprises a first section (not numbered, but shown in figure 7) of the region in which the first radius of curvature is formed when the sliding door is in the closed position; and a second section (not numbered, but shown in figure 8) of the region in which the second radius of curvature is formed when the sliding door is in the open position, and wherein the first section has a length that is shorter than a length of the second section (**claims 19 and 20**). Murofushi et al. is silent concerning a chain.

However, Suzuki discloses a chain 1 for protecting electrical wiring 5.

It would have been obvious to one of ordinary skill in the art to provide Murofushi et al. with a chain, as taught by Suzuki, to provide increased protection for the electrical wiring.

Claim 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murofushi et al. in view of Suzuki as applied to claims 1, 14, 15 and 19-21 above. Murofushi et al., as modified above, is silent concerning specific radii of curvature.

However, one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill to provide the ratio of the first radius of curvature in the closed position of the sliding door to the second radius of curvature in the open position of the sliding door is less than about 0.5.

***Response to Arguments***

Applicant's arguments filed December 20, 2010 have been fully considered but they are not persuasive.

The applicant's comments concerning Kobayashi et al. are not persuasive. The applicant's comments concerning claims 1, 14, 15 and 19-21 are not persuasive in view of the new grounds of rejection. The applicant's comments concerning claim 22 are not persuasive because they are not supported by the claim language. Note that claim 22 does not recite that the guide chain bends in a single direction.

***Conclusion***

**THIS ACTION IS NOT MADE FINAL.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Strimbu/  
Primary Examiner, Art Unit 3634